IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 21831 of 2004

Between:

L. Balaram, S/o Lingadaram,
R/o C.M.R. Palli,Mamillapalli Post, Kadapa ,Kadapa District.

..... PETITIONER

AND

1 The Principal Secretary to Government, Industries and Commerce

Department, Government of Andhra Pradesh, Hyderabad.
2 The Industrial Development Officer, A.P.I.I.C.Limited, Regional Office,
Industrial Estate,Kadapa ,Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or Writ particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not paying the benefits i.e., Back Wages, Attendant Benefits, Notice Pay and Arrears with effect from 1-8-1975 i.e., from the date of his termination is wholly illegal, arbitrary, unjust and contrary to law and also violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to pay Back Wages arrears with effect from 1-8-1975 ie., from the date of his termination.

Counsel for the Petitioner: MS.B.MALLESWARI

Counsel for the Respondent No.1: GP FOR INDUSTRIES AND COMMERCE

Counsel for the Respondent No.2: MR.E.MADAN MOHAN RAO

The Court at the admission stage made the following:

ORDER:

The writ petition is filed by the petitioner praying for a Writ of Mandamus declaring the action of the respondents in not paying the benefits such as back-wages, attendant benefits, notice pay and arrears w.e.f., 01.08.1975 i.e., from the date of his termination, as illegal, unjust and contrary to the law and consequently sought for a direction to the respondents to grant the above benefits.

It is stated that the petitioner was appointed as a Day Watchman in the Cement Godown in the Industrial Estate, A.P.I.I.C. Ltd., Kadapa on 10.05.1974. While he was working as such, he was terminated orally without assigning any reason and without giving any notice. It is stated that thereafter the petitioner made number of requests to reinstate him into service, but in vain. While so, the respondents appointed 8 persons as Electrician, Day Watchman, Librarain/L.D. Clerk, Lab Attender, Mechanic etc., instead of reinstating the petitioner into service. The petitioner also referred the proceedings alleged to have been issued by the Principal Secretary to Government, Industries and Commerce Department directing the second respondent-Corporation to reinstate the petitioner as an attender with all benefits. It is stated that he also filed I.D.No.123 of 1990 which was disposed of on 02.04.1993 directing the respondents to reinstate the petitioner as and when a vacancy

arises. Thereafter, the petitioner filed a writ petition being W.P.No.24034 of 1996 which was also disposed of with a direction to consider his case. Subsequently also he made representations to Lokyukta. As he was unsuccessful in getting any favourable orders, he has come up with the present writ petition.

A counter affidavit is filed on behalf of the respondents stating that the Principal Secretary to Government, Industries and Commerce Department did not pass any orders as alleged by the petitioner and in fact it is a fake one. Therefore, the Corporation lodged a criminal complaint on 29.04.1998 with the Police Station, Chinna Chowk, Kadapa. But, the said complaint was returned by the Police to produce the certified copy of the said fake proceedings for taking up the investigation. It is also stated that as the petitioner was unsuccessful even before the Labour Court, he is not entitled to any relief and the question of paying any back-wages or any other terminal benefits at this stage does not arise.

Heard both sides and considered the material on record.

It is not disputed that the petitioner was originally appointed as a Day Watchman and worked with the second respondent for some time and the services of the petitioner were terminated. The petitioner was unsuccessful before the Labour Court and the Labour Court directed in the award passed on 02.04.1993 to consider the case of the petitioner if any vacancy arises. Subsequently, as no vacancy had arisen, the second respondent did not consider the case of the petitioner. When the petitioner was not granted any benefit by the Labour Court, the question of paying any back-wages at this stage does not arise.

Under the above circumstances, the writ petition is dismissed as devoid of merit. No costs.

06.06.2005

VGB

To

1 The Principal Secretary to Government, Industries and Commerce

Department, Government of Andhra Pradesh, Hyderabad.

2 The Industrial Development Officer, A.P.I.I.C.Limited, Regional Office, Industrial Estate,Kadapa ,Kadapa District.

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